

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **DAVID I. PLUMB, M.D.**

4 Holder of License No. **37523**  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**Case No. MD-07-0892A**

**INTERIM FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER  
FOR SUMMARY SUSPENSION OF  
LICENSE**

7 **INTRODUCTION**

8 The above-captioned matter came on for discussion before the Arizona Medical Board  
9 ("Board") on October 11, 2007. After reviewing relevant information and deliberating, the Board  
10 considered proceedings for a summary action against the license of David I. Plumb, M.D.  
11 ("Respondent"). Having considered the information in the matter and being fully advised, the Board  
12 enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary  
13 Suspension of License, pending formal hearing or other Board action. A.R.S. § 32-1451(D).

14 **INTERIM FINDINGS OF FACT**

15 1. The Board is the duly constituted authority for licensing and regulating the practice of  
16 allopathic medicine in the State of Arizona.

17 2. Respondent is the holder of License No. 37523 for the practice of allopathic medicine  
18 in the State of Arizona.

19 3. The Mayo Clinic Family Residency Program Director notified the Board that  
20 Respondent may be unsafe to practice medicine and was on a leave of absence from the  
21 residency program. The Program Director also noted Respondent would not be able to return to  
22 his residency until his treating physician approved his return. Although Respondent is a resident,  
23 he also has a full, unrestricted medical license.

24 4. The investigation has revealed that Respondent missed several days of attendance  
25 at his rotation and demonstrated other odd behaviors. After Respondent failed to respond to phone

1 calls and knocks on his apartment door, the police and his residency director entered his  
2 apartment and found him inside. Respondent was disoriented and was taken to the Mayo Clinic for  
3 evaluation.

4         5.       The psychiatrist at the Mayo Clinic opined Respondent was acutely psychotic and at  
5 a significant risk for self harm. Respondent reported to the psychiatrist that he had a history of  
6 using cocaine, methamphetamine and more recent use of alcohol with prescription opioids.  
7 Respondent also reported recent aggressive threats that he made against an ex-girlfriend.  
8 Respondent refused medical evaluation and psychiatric placement and continued to express self-  
9 harm. The psychiatrist petitioned for involuntary commitment.

10       6.       Respondent was admitted to Desert Vista Hospital where he underwent further  
11 evaluation and was placed on Geodon. Respondent told Desert Vista Hospital Staff that he had  
12 fabricated the whole interview with the Mayo Clinic Psychiatrist. Desert Vista Hospital Staff was not  
13 ready to release him, but based on a request by Respondent and his family, a hearing was held  
14 and the petition for court ordered treatment was dismissed. Respondent then voluntarily sought  
15 outpatient psychiatric care.

16       7.       On October 3, 2007 Respondent presented for an interview with Board Staff and  
17 maintained that he fabricated his interview with the Mayo Clinic psychiatrist. He also reported to  
18 Board Staff that his most recent episode of drinking to intoxication was within the last few months  
19 and admitted that he was currently drinking two-three beers per week and drinking wine while  
20 taking prescription narcotics. Based on the interview and the information in the Board's possession  
21 Respondent was ordered to undergo a psychiatric and substance abuse assessment by a Board-  
22 approved psychiatrist ("Psychiatrist").

23       8.       The psychiatrist noted several areas of concern. He listed concerns about  
24 Respondent's thought processes and content, poor insight and judgment, an ongoing risk of  
25 danger to self or others and poor impulse control.

9. The psychiatrist diagnosed psychotic disorder NOS – in partial resolution but with ongoing residual symptoms, Polysubstance abuse history, borderline personality disorder with narcissistic and anti-social traits. Psychiatrist is concerned about Respondent's polysubstance abuse history and concludes that Respondent is not currently safe to practice.

10. Respondent has expressed an interest in "moonlighting" while awaiting clearance to return to the residency program.

11. The facts as presented demonstrate that the public health, safety or welfare imperatively requires emergency action.

### **INTERIM CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent, holder of License No. 32747 for the practice of allopathic medicine in the State of Arizona.

2. The Board on its own motion may investigate evidence that appears to show a doctor of medicine is or may be mentally or physically unable to safely engage in the practice of medicine. A.R.S. § 32-1451(A).

3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

## ORDER

Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above,

**IT IS HEREBY ORDERED THAT:**

1. Respondent's license to practice allopathic medicine in the State of Arizona, License No. 37523, is summarily suspended pending a formal hearing before an Administrative Law Judge from the Office of Administrative Hearings.

2. The Interim Findings of Fact and Conclusions of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against him.

Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 11<sup>th</sup> day of October, 2007

[SE]



ARIZONA MEDICAL BOARD

By   
Timothy C. Miller, J.D.  
Executive Director

ORIGINAL of the foregoing filed this 11<sup>th</sup> day of October, 2007, with:

Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing  
mailed by US Mail this 11<sup>th</sup> day of  
August 2007 to:

John Messing  
Messing Law Offices, P.L.C.  
5151 East Broadway Boulevard – Suite 1600  
Tucson, Arizona 85711

David I. Plumb, M.D.  
Address of Record

Dean Brekke  
Assistant Attorney General  
Arizona Attorney General's Office  
1275 West Washington, CIV/LES  
Phoenix, Arizona 85007